

REVISED LAWS OF MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY
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1910

Ch. 99) CRIMES AGAINST PUBLIC HEALTH AND SAFETY. § [5012—]1

drugs, medicines, and surgical appliances may be sold in a quiet and orderly manner. In works of necessity or charity is included whatever is needful during the day for good order, health or comfort of the community; but keeping open a barber shop or shaving and hair cutting shall not be deemed works of necessity or charity, and nothing in this section shall be construed to permit the selling of uncooked meats, groceries, clothing, boots, or shoes. Provided, however, that the game of base ball when conducted in a quiet and orderly manner so as not to interfere with the peace, repose and comfort of the community, may be played between the hours of one p. m. and six p. m. on the Sabbath day. (R. L. § 4981, as amended by Laws 1909, c. 267, § 1.)

Constitutionality.—Laws 1903, c. 362, prohibiting the public traffic in certain articles of merchandise on Sunday, is constitutional. That defendant was a Hebrew and of the Jewish Church, attended such church on Saturdays, and believed Saturday to be the Sabbath, did not affect the constitutionality of said law. *State v. Weiss*, 97 Minn. 125, 105 N. W. 1127.

4982. Punishment.

Defense—Observing another day.—G. S. 1894, § 6514, which provided that "it is a sufficient defense to a prosecution for servile labor on the first day of the week that the defendant uniformly keeps another day of the week as holy time and does not labor upon that day," had no application to a proprietor publicly selling groceries on Sunday. *State v. Weiss*, 97 Minn. 125, 105 N. W. 1127.

CHAPTER 99.

CRIMES AGAINST PUBLIC HEALTH AND SAFETY.

4987. Public nuisance defined.

Cited in *Minnesota Canal & Power Co. v. Pratt*, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

[4995—]1. **Sale of young veal.**—No person, firm or corporation shall sell, offer or expose for sale, or have in possession with intent to sell, the veal of calves killed when less than four weeks old. ('05 c. 323 § 1)

Historical.—"An act to prevent the sale or offering for sale, the veal of calves killed when less than four weeks old." Approved April 19, 1905.

[4995—]2. **Same—Penalty.**—Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than fifty dollars nor more than one hundred dollars, or by imprisonment for a period not to exceed ninety days. ('05 c. 323 § 2)

[4996—]1. **Blank cartridge firearms, certain firecrackers, etc., prohibited.**—Every person who shall manufacture, use, sell or keep for sale within this state any blank cartridge pistols, blank cartridge revolver or other blank cartridge firearms, blank cartridges, caps containing dynamite, and firecrackers exceeding three inches in length, and exceeding one-half of an inch in diameter, shall be guilty of a misdemeanor. ('07 c. 28 § 1)

Historical.—"An act to prohibit the manufacture, use and sale of blank cartridge firearms, certain firecrackers and certain other explosives." Approved March 5, 1907.

By section 2 the act took effect January 1, 1908.

5001. Failure to ring bell, etc.

Application in general.—A railway company is not under a legal duty to give the signal for the benefit of a person who is driving along a street parallel to the track near a crossing, but who does not intend to use the crossing. *Everett v. Great Northern R. Co.*, 100 Minn. 309, 111 N. W. 281, 9 L. R. A. (N. S.) 703.

[5012—]1. **Careless distribution of drugs, etc.**—That no person, or persons, either directly or indirectly, by agent or otherwise, shall

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scatter, distribute or give away any samples of any medicine, drugs or medical compounds, salve or liniment of any kind unless the same is delivered into the hands of an adult person, or mailed to such persons through the regular mail service. ('05 c. 33 § 1)

Historical.—"An act to prevent the careless distribution of medicines, drugs and medical compounds." Approved March 9, 1905.

[5012—]2. **Same—Penalty.**—Any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars, or by imprisonment in the county jail for a term not to exceed ninety days. ('05 c. 33 § 2)

CHAPTER 100.

CRIMES AGAINST THE PUBLIC PEACE.

5025. Use of firearms by minors.

Civil liability.—By virtue of G. S. 1894, § 6946, a complaint which alleged that hardware merchants loaned a rifle and sold cartridges to a minor known to be only 13 years of age, and to be careless and negligent in the use of firearms; and that the minor began to shoot with the gun and cartridges in every direction, and damaged plaintiff, was not demurrable. *Anderson v. Settergren*, 100 Minn. 294, 111 N. W. 279.

[5025—]1. **Use of firearms within three miles of certain cities.**—It is hereby declared unlawful for any person to hunt with or carry loaded any rifle or other firearm for the purpose of hunting within three miles of the corporate limits of any city having a population of 50,000 or more, except target practice on regular rifle ranges, and members of duly organized gun clubs shooting or practicing on lands owned or leased by the club, or trap shooter shooting or practicing on grounds selected for that purpose, or firing a salute over the graves of soldiers. Whoever offends against any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than ninety days, for each violation of this section. ('07 c. 300)

Historical.—"An act to prohibit the shooting of firearms within three miles of the corporate limits of cities having a population of 50,000 or more." Approved April 22, 1907.

[5028—]1. **Language provocative of assault.**—Any person who shall use in reference to and in the presence of another, or in reference to or in the presence of any member of the family of another, abusive or obscene language, intended, or naturally tending to provoke an assault or any breach of the peace, shall be guilty of misdemeanor. ('07 c. 96 § 1)

Historical.—"An act to prevent the use of language intended or naturally tending to provoke an assault or any breach of the peace." Approved April 4, 1907.